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4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
6 **SAN JOSE DIVISION**
7

8 UNITED STATES OF AMERICA,) No. CR-10-00562 LHK
9 Plaintiff,) **STIPULATION AND**
10 v.) **~~[PROPOSED]~~ ORDER**
11 THOMAS O'MEARA,) **RESCHEDULING STATUS**
12) **CONFERENCE AND**
13 Defendant.) **EXCLUDING TIME FROM THE**
14) **SPEEDY TRIAL ACT**
15) **[18 U.S.C. § 3161(h)(8)(A)]**

16 This matter is currently set for status on February 15, 2012. The parties
17 now jointly request that the February 15, 2012 hearing date be reset to
18 February 29, 2012 as defense counsel is not available on February 15, 2012
19 and needs additional time to review discovery and for investigation. Based on
20 the stipulation, the Court finds and holds as follows:

21 1. The currently scheduled February 15, 2012 hearing date is hereby
22 vacated.

23 2. This matter is re-set for status on February 29, 2012 at 10:00 a.m.

24 3. The time between February 15, 2012 and February 29, 2012 is
25 excluded under the Speedy Trial Act. The parties agree that the failure to grant
the requested continuance would unreasonable deny defense counsel

1 reasonable time necessary for effective preparation, taking into account the
2 exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties agree
3 that the ends of justice are served by granting the continuance outweigh the
4 best interest of the public and the defendant in a speedy trial and in the prompt
5 disposition of criminal cases. See 18 U.S.C. § 3161(h)(8)(A).

6 STIPULATED:

7 DATED: 2/6/2012

/s/

8 Jeane DeKolver
Attorney for Tom O'Meara


10 DATED: 2/6/2012

/s/

11 Joseph Fazioli
Assistant United States Attorney

13 IT IS SO ORDERED.

15 DATED: 2/6/12

14 

16 Lucy H. Koh
United States District Judge